

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1247 Session of
2018

INTRODUCED BY EICHELBERGER, MARTIN, FOLMER, ALLOWAY AND MENSCH,
SEPTEMBER 10, 2018

REFERRED TO EDUCATION, SEPTEMBER 10, 2018

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in State System of Higher Education,
6 further providing for purposes and general powers and
7 providing for certain contract provisions prohibited.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 2003-A(a) of the act of March 10, 1949
11 (P.L.30, No.14), known as the Public School Code of 1949, is
12 amended to read:

13 Section 2003-A. Purposes and General Powers.--(a) The State
14 System of Higher Education shall be part of the Commonwealth's
15 system of higher education. Its purpose shall be to provide high
16 quality education at the lowest possible cost to the students.
17 The primary mission of the system is the provision of
18 postsecondary instruction for undergraduate and graduate
19 students to and beyond the master's degree [in the liberal arts
20 and sciences and in applied fields, including the teaching

profession.] designed to address the needs of the Commonwealth's
workforce for advanced careers, including technological
education. Graduate instruction at the doctoral level, except
for doctoral programs provided for in the act of December 16,
1965 (P.L.1113, No.430), known as the "Indiana University of
Pennsylvania Act," only may be offered jointly with Indiana
University or an institution chartered to offer work at the
doctoral level. Programs of research and service may be provided
which are approved by the Board of Governors, and which are
consistent with the primary mission of the system. Each
institution shall provide appropriate educational facilities,
student living facilities and such other facilities as deemed
necessary by the board.

* * *

Section 2. The act is amended by adding a section to read:

Section 2003-A.2. Certain Contract Provisions Prohibited.--

(a) No collective bargaining agreement entered into subsequent
to the effective date of this section may contain provisions
that concern matters of managerial policy inherent to the system
or its respective institutions.

(b) Neither the system, nor its representatives, may enter
into an agreement that delegates matters of inherent managerial
policy, and any provisions of an agreement containing a
delegation of matters of inherent managerial policy shall be
void.

(c) For purposes of this section, "matters of inherent
managerial policy" shall mean areas of discretion or policy as
to standards of services, overall budget, utilization of
technology, organizational structure and staffing, including:

(1) The size of the workforce.

1 (2) The budget of the system or an institution.

2 (3) Decisions to use, rent or lease properties owned by the
3 system or an institution.

4 (4) Decisions to mutually cooperate with other institutions
5 or organizations.

6 (5) Decisions to permanently hire an employee and the
7 required qualifications for employment.

8 (6) The transfer of employees from one department or branch
9 campus to another.

10 (7) Procurement and compliance with competitive bidding
11 requirements.

12 (8) Decisions of whether or not to contract with a third
13 party for noninstructional support services.

14 (9) The use of experimental or pilot programs.

15 (10) Actions deemed necessary during emergencies.

16 (11) The appropriate policyholder of an employee group
17 insurance benefit.

18 (12) Decisions concerning the use of technology to deliver
19 educational programs, including all services and staffing.

20 (13) Decisions to create or curtail course offerings,
21 programs or departments.

22 (14) The location of a course or department.

23 Section 3. This act shall take effect in 60 days.